

Remarks:

Claims 1-25 are currently pending in the application. By the present amendment claims 1, 8-13, 15, 21, and 25 are amended and claim 23 has been canceled. Claims 1, 8, 15, and 21 are amended to more clearly define the invention and claims 9-13 and 25 are amended to make corrections.

Applicants believe the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Prior to addressing the rejections, Applicants believe it will be helpful to compare the claimed invention to the prior art references cited by the Examiner as the rejection of the claims appears to be attributable to a misunderstanding of the claimed invention.

Independent claims 1, 8, and 21 regard a sponsored appliance with a purchase incentive to be used in the purchase of that sponsored appliance or an incentive to place sponsorship material in the appliance, as the case may be. The result of the claimed invention is to effectively provide a direct or indirect incentive, such as for example, a reduction in the purchase price, made by the sponsor to either the consumer or appliance seller, to purchase the appliance. This is fundamentally different than the prior art references cited by the Examiner.

The primary prior art reference Sakaguchi (USPA 2002/0120502) cited by the Examiner discloses a home appliance 100 that can connect to service center 200 by way of network 400. A refrigerator is described as being an example of the type of appliance utilized. The marketing company 500 pays the service center 200 a specific advertising fee for supplying the desired product advertisements and sales promotion information to the appliance 100. The consumer information, such as information about the products placed into or removed from the refrigerator, is collected by the service center 200 and provides a

detailed look at the foods specifically consumed by a particular household. The collected information will thus be quite valuable for manufacturers and marketing companies, and is therefore particularly attractive for companies that contract to place advertising. The service center 200 also collects power consumption data for the appliance from the electric utility and returns to the customer an amount equal to the electrical bill for the power consumed by the appliance, as compensation for providing information about the consumer's use of the appliance.

In the Applicants' invention a sponsored relationship is established for the appliance and the benefit from the sponsored relationship is used to create an incentive to the consumer to purchase the appliance.

Sakaguchi sells consumer information to a marketing company, which, in turn, purchases advertising that may be delivered to the appliance for a reduction in the operating cost of the appliance. In Sakaguchi's invention, no sponsorship relationship is created between a sponsor and an appliance. Sakaguchi '502 is a traditional advertising model where advertising time is purchased from the service center 200 by the marketing company. In this way, the service center functions as a traditional advertising-based broadcaster.

From the consumer's perspective, in Sakaguchi '502, the incentive is a reduced utility cost, but this incentive is not linked at any time to any one party that would function as a sponsor. An incentive in the form of reduced operating cost, does not create a sponsored relationship because there is no link between the incentive and a particular sponsor to form the relationship.

Further, the advertisements displayed on the Sakaguchi '502 appliance are not a sponsorship of the appliance as claimed because the advertisement is not linked to the appliance, but is linked to whatever item the consumer might consume with the appliance. The sponsored relationship as claimed is independent of what is consumed by the consumer, unlike Sakaguchi '502. The sponsored relationship as claimed may be by one who does not even make a consumer product at all, let alone one that might be used in the appliance. Sakaguchi '502 discloses a "push" advertising method based on the collection of consumer consumption information. The consumption information is sold to an advertiser of interest

who then pushes out their advertisement to the appliance. This is a push-implemented, product-specific direct solicitation model of advertising, which is not a sponsorship model as claimed.

Rejections Under 35 U.S.C. §102

Claims 1-3, 6, 8, 13-14 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0120502 to Sakaguchi ("Sakaguchi '502"). The rejection is respectfully traversed.

For Sakaguchi '502 to anticipate these claims, each and every limitation in the claims must be found in Sakaguchi '502. Since such is not the case, the anticipation rejection must fail.

Independent claims 1 and 8 call for a method of creating a sponsored appliance. Claim 1 further calls for incorporating the sponsorship material into the appliance to indicate the appliance is sponsored by the appliance sponsor to form a sponsored appliance, and providing a purchase incentive for the sponsored appliance as a result of the sponsorship. Claim 8 further calls for providing a consumer with sponsorship material indicating the appliance is sponsored by the appliance sponsor and configured to be placed in the appliance to form a sponsored appliance, and providing the consumer with an incentive to accept the sponsorship material.

As previously stated, Sakaguchi '502 discloses a home appliance 100 that can connect to service center 200, and a marketing company 500 that pays the service center 200 a specific advertising fee for supplying the desired product advertisements and sales promotion information to the appliance 100. Consumer information is collected by the service center 200 and provides a detailed look at the foods specifically consumed by a particular household. The service center 200 also collects power consumption data for the appliance and returns to the customer an amount equal to the electrical bill for the power consumed by the appliance, as compensation for providing information about the consumer's use of the appliance.

Sakaguchi '502 does not disclose a sponsored relationship that establishes a purchasing incentive to be used toward that appliance, as called for by claim 1. Claim 1 has

been amended to make more clear that the sponsored relationship is the source of the purchase incentive. As previously stated, there is no sponsored relationship described in Sakaguchi. Therefore, Sakaguchi '502 does not anticipate claim 1 because Sakaguchi '502 does not disclose a sponsored appliance creating a purchasing incentive for the consumer to purchase the appliance as required by claim 1.

Claims 2-3, and 6 are also patentable over Sakaguchi '502 for at least these reasons based on their ultimate dependency on claim 1.

Regarding claim 8, Sakaguchi '502 does not disclose a sponsored relationship between an appliance sponsor and an appliance seller, or providing a consumer with sponsorship material indicating the appliance is sponsored by the appliance sponsor and configured to be placed in the appliance to form a sponsored appliance, as called for by claim 8. Therefore, Sakaguchi '502 does not anticipate claim 8 because Sakaguchi '502 does not disclose a sponsored relationship between an appliance sponsor and an appliance seller, or providing a consumer with sponsorship material indicating the appliance is sponsored by the appliance sponsor and configured to be placed in the appliance to form a sponsored appliance, and claim 8 is patentable.

As amended claims 13-14 are also patentable over Sakaguchi '502 for at least these reasons based on their ultimate dependency on claim 8.

Not only are claims 1 and 8 not anticipated, they are also not obvious in view of Sakaguchi '502. Claims 1 and 8 both call for the creation of a sponsored relationship between a sponsor and an appliance through the use of either a purchase incentive for (claim 1) or an incentive (claim 8). The sponsored relationship and the resulting incentive, whether it is a purchase incentive or an incentive to take sponsorship materials, results in an incentive for the consumer to purchase the appliance. As previously explained, Sakaguchi '502 does not establish a sponsored relationship. Sakaguchi's push-implemented, product-specific, direct solicitation does not create a sponsored relationship. As such, Sakaguchi '502 completely lacks an element of claims 1 and 8. Sakaguchi '502 also fails to disclose or teach anything that functions like a sponsored relationship. Therefore, one of ordinary skill in the art would not find the claimed sponsored relationship obvious in view of Sakaguchi '502.

Applicants believe the Examiner is of the same opinion regarding the non-obviousness of independent claim 1 and 8 over Sakaguchi '502 because the Examiner has not rejected claim 1 or 8 as being obvious.

Applicants further assert that independent claims 15 and 21 are also not obvious in view of Sakaguchi '502 because they also require a sponsored relationship, which is totally lacking in Sakaguchi '503.

Rejections Under 35 U.S.C. §103

Claims 4 and 5 stand rejected under 35 USC 103(a) as being unpatentable over Sakaguchi '502 in view of U.S. Patent No. 6,204,763 to Sone ("Sone '763"). The rejection is respectfully traversed.

Sone '763 discloses a household consumable item automatic replenishment system that automatically maintains a desired inventory of household consumable items.

The combination of Sakaguchi '502 and Sone is traversed because the combination is based on several mischaracterizations of Sone. The Examiner states that Sone '763 teaches a "refrigerator having the predetermined location is configured to accommodate only the product packaged by the sponsor". [*Office Action*, page 5] This statement interprets the teaching of Sone and creates disclosure that is not present. Sone more accurately teaches that each location is labeled with the household consumable item to be placed thereat, so as to facilitate proper restocking. [*Sone*, column 8, lines 45-47] Sone does not teach a location that is configured specifically to accommodate only the product packaged by the sponsor, only that the location may be labeled. The Examiner also states that Sone teaches a refrigerator "having the sponsorship material is configured to be interchangeable in one or more predetermined locations." [*Office Action*, page 5] The statement is interpretation on the Examiner's behalf as Sone teaches no such thing. Sone, more accurately, teaches that various food items, such as butter and milk, are stored in the second and third sections of the refrigerator. Sone does not teach interchangeable sponsorship material, only that the food items can be stored in multiple or various spots in the refrigerator.

Assuming, *arguendo*, that the combination may be made, the combination does not reach the claims. As claims 4 and 5 depend off of claim 1, the rejection will initially be

addressed with respect to claim 1. As previously stated, claim 1 is not obvious in view of Sakaguchi '502 because it calls for the creation of a sponsorship relationship to form a sponsored appliance, and providing a purchase incentive for the sponsored appliance. Sone '763, like Sakaguchi '502, does not disclose the Applicants' claimed sponsored relationship, sponsored appliance. Therefore it does not address the shortcomings of Sakaguchi '502 with respect to claim 1. Thus, any combination of Sakaguchi '502 and Sone '763 would necessarily lack the sponsored relationship and sponsored appliance to create a purchase incentive for the consumer to purchase the sponsored appliance. As such, the resulting combination would not render claim 1 obvious, making claim 1 patentable and non-obvious over the combination. Claims 4 and 5 are likewise patentable and non-obvious over the combination because of their dependency on claim 1.

Claims 7, 9, and 11-12 stand rejected under 35 USC 103(a) as being unpatentable over Sakaguchi '502 in view of U.S. Patent No. 5,437,503 to Baker et al. ("Baker '503"). The rejection is respectfully traversed.

Baker '503 discloses a modular storage drawer assembly that, depending upon the intended use of the drawer, may fit loosely under the shelf so that air can flow into the drawer, or it can be tightly sealed against the under side of the shelf to restrict air flow and thus control the atmosphere in that drawer.

As claim 7 depends off of claim 1 and claims 9, and 11-12 depend off of claim 8, the rejection will initially be addressed with respect to claims 1 and 8. As previously stated, both claims 1 and 8 are not obvious in view of Sakaguchi '502 because they each calls for the creation of a sponsorship relationship to form a sponsored appliance, and providing a purchase incentive (claim 1) or an incentive to accept the sponsorship material (claim 8), which is not disclosed or taught by Sakaguchi '502. Baker '503, like Sakaguchi '502, does not disclose the applicants' claimed sponsored appliance or purchase incentive to be used in the purchase of that sponsored appliance (claim 1) or an incentive to place sponsorship material in the appliance (claim 8). Therefore, Baker '503 does not address the shortcomings of Sakaguchi '502 with respect to claims 1 and 8. Thus, any combination of Sakaguchi '502 and Baker '503 would necessarily lack the sponsored appliance and purchase incentive or an

incentive to place sponsorship material in the appliance, the resulting combination would not render claims 1 or 8 obvious, making claims 1 and 8 patentable and non-obvious over the combination. Claims 7, 9, and 11-12 are likewise patentable and non-obvious over the combination because of their dependency on claims 1 or 8.

Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Sakaguchi '502 in view of Baker '503 and Sone '763. The rejection is respectfully traversed.

For the reasons previously provided, neither Baker '503 nor Sone '763 remedy the shortcomings of Sakaguchi '502 with respect to claim 8. Specifically, Sakaguchi '502, Baker '503 nor Sone '763 teach a sponsored relationship to form a sponsored appliance providing an incentive to place sponsorship material in the appliance. Regardless of how the references are combined, they will not disclose a sponsored relationship to form a sponsored appliance providing an incentive to place sponsorship material in the appliance as required by claim 8. Therefore, claim 8 is not obvious over the combination for the same reasons that claim 8 is not obvious over Sakaguchi '502 alone. Because claim 10 depends from claim 8, claim 10 is patentable over Sakaguchi '502, Baker '503, and Sone '763 for at least this reason.

Claims 15-20 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0157411 to Ishikawa et al. (Ishikawa '411) in view of Sakaguchi '502. The rejection is respectfully traversed.

Ishikawa '411 discloses a cold-storage system that utilizes a non-contact IC reader and non-contact IC tags found on food packages by which information can be stored in a database including data on the stored foods. Also, a stock inquiry system which can propose menus and give advice on the nourishment and health of the family on the basis of the mode of consumption of food in the past several months.

Applicants respectfully traverse the combination of Ishikawa '411 and Sakaguchi '502. The Examiner bases the combination on several mischaracterizations of Ishikawa. The Examiner states that Ishikawa discloses "a method of sponsoring a healthy refrigerator". [*Office Action*, page 9]. Ishikawa makes no teaching about a sponsored appliance, and further, simply states that the refrigerator can "give advice on the nourishment and health of the family on the basis of the mode of consumption of food packages in the past several

months.” [Ishikawa, paragraph 0172]. This is not the same as providing a healthy habits message as provided by the sponsor. Further, the Examiner states that Ishikawa incorporates “a healthy habits message sponsored by the refrigerator sponsor into the refrigerator”. [Office Action, page 9]. Again, Ishikawa makes no teaching about a sponsored appliance, and further, simply states a listing of preferable pieces of information stored on the food package, including nutrients (describing caloric, fats, vitamins and the like). This is not equivalent to providing a healthy habits message as provided by the sponsor.

Assuming, *arguendo*, that the references can be combined, the combination does not reach the claimed invention. Neither Ishikawa ‘411 nor Sakaguchi ‘502 teach anything about creating a sponsored relationship between a refrigerator sponsor and a refrigerator seller and incorporating a healthy habits message sponsored by the refrigerator sponsor into the refrigerator to form a sponsored refrigerator. Therefore, the combination of Ishikawa ‘411 and Sakaguchi ‘502 fails to reach independent claim 15 as it completely lacks a claimed element. Claims 16-20 are also patentable over the combination based on their ultimate dependency on claim 15.

Claims 21, 23, and 25 stand rejected under 35 USC 103(a) as being unpatentable over Ishikawa ‘411 in view of Sakaguchi ‘502 and U.S. Patent 6,932,450 to Mandel (Mandel ‘450). The rejection is respectfully traversed. Claim 23 has been canceled; therefore, the rejection with respect to this claim is moot.

Mandel discloses a refrigerator contents viewing system used to enhance the viewing of food items stored on a rear portion of a shelf in the refrigerator. The contents viewing system is comprised of a mirror that is mounted underneath an upper shelf for the purpose of viewing the objects located on the lower shelf.

Applicants respectfully traverse the combination of Ishikawa ‘411, Sakaguchi ‘502, and Mandel ‘450 for several reasons. First, the combination is traversed for the same reasons as previously stated for the underlying combination of Ishikawa ‘411 and Sakaguchi ‘502. Second, Mandel focuses on enabling the user to more easily see the food items located at the rear of the shelf by providing a mirror in which to view those items. This is not restricted to a design that allows easy viewing of healthy foods, as discussed by the Applicants. If junk

food were located in the rear of Mandel's refrigerator, the invention would more easily allow the viewing of junk food.

Assuming, *arguendo*, that the references can be combined, the combination does not reach the claimed invention. Neither Ishikawa '411, Sakaguchi '502, nor Mandel '450 teach anything about designing the refrigerator for allowing healthy foods to be more easily seen and accessed, creating a sponsored relationship between a refrigerator sponsor and a refrigerator seller, and providing the refrigerator with purchase incentive as a result of the sponsorship to form a sponsored refrigerator. Therefore, the combination of Ishikawa '411, Sakaguchi '502 and Mandel '450 fail to reach independent claim 21. Claim 25 is also patentable over the combination based on its ultimate dependency on claim 21.

Claims 22, 24, and 25 stand rejected under 35 USC 103(a) as being unpatentable over Ishikawa '411 in view of Sakaguchi '502, Mandel '450, and Baker '503. The rejection is respectfully traversed.

As claims 22, 24 and 25 depend off of claim 21, the rejection will initially be addressed with respect to claim 21. As previously stated, claim 21 is not obvious over Ishikawa '411, Sakaguchi '502, or Mandel '450. Nor does Baker '450 disclose the applicants' claim of designing the refrigerator for allowing healthy foods to be more easily seen and accessed. Therefore it does not address the shortcomings of Ishikawa '411, Sakaguchi '502, and Mandel '450 with respect to claim 21. Thus, any combination of Ishikawa '411, Sakaguchi '502, Mandel '450, and Baker '450 would necessarily lack designing the refrigerator for allowing healthy foods to be more easily seen and accessed, creating a sponsored relationship between a refrigerator sponsor and a refrigerator seller, and providing the refrigerator with purchase incentive as a result of the sponsorship to form a sponsored refrigerator, the resulting combination would not render claim 21 obvious, making claim 21 patentable and non-obvious over the combination. Claims 22, 24, and 25 are likewise patentable and non-obvious over the combination because of their dependency on claim 21.

It is respectfully submitted that the claims are allowable over the prior art of record. Prompt notification of allowability is respectfully requested.

Respectfully submitted,

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